

Memorandum

To: Utah Political Subdivisions Interim Committee

From: Brooke W. Harkness, Executive Director
Utah Political Subdivisions Ethics Review Commission

Date: November 16, 2016

RE: Utah Political Ethics Review Commission Annual Summary Data Report

Pursuant to Utah Code Ann. § 11-49-202(3)(a), the Utah Political Ethics Review Commission (the “Commission”) submits the following summary data report for 2014.

1. General Description of the Activities of the Commission During the Past Year:

The Executive Director has fielded several phone calls and emails from individuals seeking information about filing complaints.

This year was the first time that the Political Subdivisions Ethics Commission received a complaint that was not dismissed after a Preliminary Review hearing. The Commission handled this complaint from the beginning of the process all the way to the Final Review hearing described by Section 11-49-701. Throughout the process of handling this complaint, the Commission, the Executive Director, the attorneys for the complainants and respondent, and others involved in the process found problems and inconsistencies in the statute governing this Commission (Utah Code Ann § 11-49.) There are problems with conflicts of interest, timing, ambiguity, and privacy issues. The Executive director plans to re-write the statute and hopefully get the changes approved by the legislature next year.

2. Number of Ethics Complaints Filed With the Commission:

In 2015, one complaint was received by the Commission. The complaint reached the level where it became public. The complaint was about Juab County Recorder Craig Sperry.

3. **Number of Ethics Complaints Dismissed in Accordance with Section 11-49-602:**

The Commission did not dismiss the Sperry complaint after conducting a preliminary review described in Section 11-49-602. The Commission did dismiss one allegation from the complaint in this meeting, but not the entire complaint.

4. **Number of Ethics Complaints Reviewed by the Commission in Accordance with Section 11-49-701:**

The Commission reviewed the Sperry complaint in accordance with Section 11-49-701.

5. **Executive Summary of Each Complaint Reviewed by the Commission in Accordance with Section 11-49-701:**

The Commission received an ethics complaint in May about Juab County Recorder Craig Sperry. The Commission conducted a preliminary review of the complaint in June and forwarded the allegations for further review. At this point in the process, both parties decided to hire legal counsel. (It is the intent of the legislature that this Commission is accessible to citizens without legal help.) In August, the Commission heard arguments on a Motion to Dismiss by the attorneys and determined that one of the allegations would be dismissed and two would be forwarded for final review.

In October, the Commission met for a three day hearing where they heard testimony and evidence from both the complainants and the respondent. At the end of the hearing, the Commission deliberated and determined that one of the allegations was proven by clear and convincing evidence. The other allegation was not proven and was dismissed. The Commission issued an order and recommendations to the Juab County Commission.

6. **An Accounting of the Commission's Budget and Expenditures:**

To date this year, the Commission's total expenditures are approximately \$9,891.49. \$7,000.00 of that is for compensation and bonus for the Executive Director. The remaining amount is for expenditures of the Commission including mileage reimbursements, travel expenses, per diem expenditures for members of

the Commission, supplies, postage, and copying costs. It is expected that the Executive Director will get an additional bonus of \$10,000.00 this year for the extra hours she has worked and will continue to work this year to re-write the statute that governs this Commission.